

## Health Facility Compliance Guidance Letter

<b>Number:</b> GL 20-2015-A
<b>Title:</b> Emergency Rule for Hospital Response to COVID-19 [Amended]
<b>Provider Types:</b> General and Special Hospitals
<b>Date Issued:</b> July 31, 2020

### 1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 20-2015, issued on April 6, 2020, to notify providers that on July 31, 2020, the Health and Human Services Commission (HHSC) extended emergency rule §135.51, Hospital Response to COVID-19, for an additional 60 days. The emergency rule extension is effective until September 29, 2020 and can be viewed in the Texas Register under docket number **202001351**.

The Health and Human Services Commission (HHSC) has adopted emergency rules in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. General and Special Hospitals are now instructed to implement and enforce written policies and procedures related to visitation and the entry of the hospital's workforce to protect the health and safety of patients, employees, and the public.

The emergency rule prohibits all visitors except persons providing critical assistance from entering a hospital and provides criteria hospitals must follow prior to allowing entry. The emergency rule also defines providers of essential services, persons with legal authority to enter, and persons providing critical assistance. The emergency rule further states that a hospital must not prohibit government personnel performing their official duty from entering, unless the person meets screening criteria.

This letter provides the emergency rule adopted during the disaster.

### 2.0 Emergency Rule Details

Emergency rule §133.51, related to Hospital Response to COVID-19, is adopted under Texas Administrative Code (TAC) Title 25, Part 1, Chapter

133, Subchapter C. Under this emergency rule, General and Special Hospitals must follow operational requirements in response to COVID-19. The emergency rule is reproduced below:

§133.51. Emergency Rule for Hospital Response to COVID-19.

(a) Based on state law and federal guidance, HHSC deems COVID-19 a health and safety risk to hospital patients, staff, and the public and requires a hospital to take the following measures. The screening required by this section does not apply to emergency services personnel entering the hospital in an emergency situation.

(b) A hospital must implement and enforce written policies and procedures in accordance with this section regarding the visitation rights of patients and setting forth any clinically necessary or reasonable restriction or limitation on such rights and the reasons for the clinical restriction or limitation.

(c) A hospital must implement and enforce written policies and procedures regarding the entry of its workforce to protect the health and safety of patients, employees and staff, and the public.

(d) In this section:

(1) Providers of essential services include, but are not limited to, contract doctors, contract nurses, hospice workers, other contract healthcare providers, persons providing a survivor of sexual assault with services required by Health and Safety Code Chapter 323, and a single designated caregiver acting on the patient's behalf.

(2) Persons with legal authority to enter include, but are not limited to, government personnel performing their official duties and an attorney or other legally authorized representative of a patient.

(3) Persons providing critical assistance include providers of essential services, persons with legal authority to enter, a clergy member authorized by the hospital, one parent of a minor who is a patient, and family members and friends of a patient at the end of life or presenting at the emergency department, subject to the hospital's policies and procedures.

(e) A hospital must prohibit visitors, except as provided by subsection (f) of this section.

(f) A hospital may allow entry of persons providing critical assistance, unless the person meets one or more of the following screening criteria:

(1) Fever or signs or symptoms of a respiratory infection, such as cough, shortness of breath, or sore throat;

(2) Contact in the last 14 days with someone who has a confirmed diagnosis of COVID-19, someone who is under investigation for COVID-19, or someone who is ill with a respiratory illness; or

(3) International travel within the last 14 days to countries with ongoing community transmission. For updated information on affected countries visit:

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>

(g) A hospital must not prohibit government personnel performing their official duty from entering the hospital, unless the individual meets the above screening criteria.

(h) If this emergency rule is more restrictive than any minimum standard relating to a hospital, this emergency rule will prevail so long as this emergency rule is in effect.

(i) If an executive order or other direction is issued by the Governor of Texas, the President of the United States, or another applicable authority, that is more restrictive than this emergency rule or any minimum standard relating to a hospital, the hospital must comply with the executive order or other direction.

### 3.0 Background/History

In accordance with Texas Government Code §2001.034, the Executive Commissioner on April 3, 2020, granted HHSC's request to adopt emergency rule §133.51 in Texas Administrative Code (TAC), Title 25, Chapter 133, relating to Hospital Response to COVID-19, due to imminent peril to the public health, safety, or welfare. This emergency rule may not be effective for longer than 120 days and may not be renewed for longer than 60 days.

### 4.0 Resources

View the emergency rule in the Texas Register by searching Texas Register Docket Number (TRD ID): **202001351** at [https://texreg.sos.state.tx.us/public/regviewctx\\$.startup](https://texreg.sos.state.tx.us/public/regviewctx$.startup).

Governor Abbott's Disaster Declaration, provided at [https://gov.texas.gov/uploads/files/press/DISASTER\\_covid19\\_disaster\\_proclamation\\_IMAGE\\_03-13-2020.pdf](https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf)

## **5.0 Contact Information**

If you have any questions about this letter, please contact the Policy, Rules, and Training unit by email at [HCR\\_PRT@hhsc.state.tx.us](mailto:HCR_PRT@hhsc.state.tx.us).